



OIA21-0002

16 FEB 2021

Wendy McGuinness
wmcg@mcguinnessinstitute.org

Dear Wendy

Thank you for your email of 5 January 2021 requesting further information relating to AgResearch's approval for GM animals – ERMA200223. Your request has been considered under the Official Information Act 1982 (OIA).

Please find below a response to each of your follow up questions;

1. *What date did MPI receive the 2020 ten-year annual report?*
2. *Did MPI receive the ten-year annual report from AgResearch or the EPA? If yes to this question, please explain the dates and the process in detail.*
3. *Was MPI involved, directly or indirectly, in reviewing the content of the ten-year annual report (or draft report) **before** it was sent to the EPA? If yes, please explain the process and provide copies of all correspondence and notes of phone calls/meetings. Please explain what feedback was provided by MPI and provide any earlier versions of the report?*
4. *Was MPI involved, directly or indirectly, in reviewing the content of the ten-year annual report **after** it was sent to the EPA? If yes, please explain the process and provide copies of all correspondence and notes of phone calls/meetings. Please explain what feedback was provided?*

As mentioned in MPI's previous response, there is no specific requirement for AgResearch to provide MPI with the ten-year and annual reports as MPI's role is to verify the facility. The Environmental Risk Management Authority Decision (ERMA200223) sets out the requirements for annual and ten-year reporting in controls 11 and 12 of Appendix 2. These are the responsibility of the approval holder (in this case, AgResearch) and are to be provided directly to the Environmental Protection Authority (EPA). MPI is then provided with a copy of the report as evidence that the approval holder is meeting the requirements of the Environmental Risk Management Authority Decision (ERMA200223).

Please find attached as Appendix One, the email chain where you will see MPI is copied into correspondence where the draft report was provided from AgResearch to the EPA on the 31 August 2020. Some information is withheld pursuant to section 9(2)(a) of the OIA, to protect the privacy of natural persons. Within the same correspondence, the final version of the report was shared with MPI on the 5 November 2020. MPI was not involved in reviewing the content of the ten-year annual report (or draft report) before it was sent to the EPA.

5. *Your correspondence notes: 'As is MPI's normal practice, all costs associated with AgResearch verification inspections are invoiced to AgResearch. The cost to MPI for these verification activities is therefore zero. Cost regulations are regularly reviewed by the MPI Cost Recovery team to ensure that any changes in the cost of service delivery are accommodated. The last review, and subsequent amendment of these cost regulations, was carried out in 2018.' (p. 3).*

- *Please provide a copy of the invoices to AgResearch for these costs for each of the last three years. Please ensure this includes hours MPI staff attended AgResearch's premises as well as hours taken writing up the subsequent report.*

Please find attached as Appendix Two, invoices from MPI to AgResearch detailing the cost of verification inspections over the last three years. Some information is withheld pursuant to section 9(2)(a) of the OIA, to protect the privacy of natural persons.

- *We would also like to review the cost regulations. Your correspondence indicates this process was completed in 2018. Can provide a copy of this review (in 2018) and the previous review.*

Fees for inspection of containment facilities verified by MPI, such as AgResearch, are set out in the Schedule in the Biosecurity (Costs) Regulations 2010. The schedule can be found at the following link;

- www.legislation.govt.nz/regulation/public/2010/0135/latest/whole.html?search=sw_096be8ed81a09f81_Verification_25_se&p=1#DLM3000565

Please find attached as Appendix Three, MPI's Cost Recovery Policy Guidance.

In March 2018, MPI recommended aligning the rates charged for services provided by general inspectors. Information relating to the recommendation as well as the publicly available consultation document can be found on MPI's website at the following links;

- Recommendation; www.mpi.govt.nz/consultations/proposed-changes-to-cost-recovery-for-some-services/.
- Consultation document; www.mpi.govt.nz/dmsdocument/27483-A-review-of-cost-recovery-for-selected-services-provided-by-the-Ministry-for-Primary-Industries.

The most recent review was carried out in November 2019. MPI proposed that rates increase from \$102.27 per hour to \$138 per hour. The proposal and consultation documents can be found on the MPI website at the following link;

- www.mpi.govt.nz/consultations/cost-recovery-and-fee-changes-for-some-biosecurity-agriculture-and-food-systems-services/

As a result of Cabinet's moratorium on border fee increases due to the impacts of COVID-19 these proposed increases were suspended – a copy of this announcement is publically available here; www.beehive.govt.nz/release/govt-announces-aviation-relief-package

The consultation document outlining the basis for MPI's proposal is publically available on MPI's website here; www.mpi.govt.nz/dmsdocument/37922-Discussion-paper-Proposed-updates-to-Biosecurity-cost-recovery-FINAL.pdf

Currently the hourly rates for these services are set at:

- \$102.27 per hour for each general inspector involved and;
- \$186.30 per hour for each veterinary inspector involved.

I trust the information provided is of assistance. Should you have any concerns with this response, I would encourage you to raise these with the Ministry for Primary Industries at Official.InformationAct@mpi.govt.nz. Alternatively, you are advised of your right to also raise any concerns with the Office of the Ombudsman. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143 or at info@ombudsman.parliament.nz.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Alan Cook', with a small comma at the end.

Alan Cook
Director Verification Services